

Introduced by Senator ChesbroFebruary 21, 2003

An act to add Section 80110.1 to the Water Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 770, as introduced, Chesbro. Nonprofit cogeneration facilities.

Under existing law, the Public Utilities Commission regulates electrical corporations. The Public Utilities Act requires the commission to authorize direct transactions between electricity suppliers and end-use customers. However, other existing law suspends the right of retail end-use customers to acquire direct access service from certain electricity suppliers after a period of time to be determined by the commission until the Department of Water Resources no longer supplies electricity under that law.

This bill, notwithstanding that suspension, would authorize a nonprofit cogeneration facility, as defined, to serve related electric load, as defined. The bill would prohibit the commission from imposing certain charges on such a transaction.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 80110.1 is added to the Water Code, to
2 read:
3 80110.1. (a) As used in this section, the following terms have
4 the following meanings:



1 (1) “Nonprofit cogeneration facility” is a facility that meets
2 the criteria in Section 218.5 of the Public Utilities Code and which
3 generates not more than 6 megawatts of power, a total of at least
4 4.5 megawatts of which are consumed onsite by a nonprofit entity
5 in combination with its related electric load.

6 (2) “Related electric load” is up to 3.5 megawatts of electricity
7 generated by a nonprofit cogeneration facility and transmitted to,
8 and consumed by, an offsite affiliate of the onsite nonprofit
9 cogeneration facility.

10 (b) Notwithstanding Section 80110, a nonprofit cogeneration
11 facility may serve related electric load.

12 (c) The commission may not impose either of the following on
13 a transaction pursuant to this section:

14 (1) Cost recovery surcharges under commission Decision
15 02-11-022, or any subsequent commission decision, order, or
16 regulation.

17 (2) A competition transition charge to pay costs as provided in
18 Sections 367, 368, 375, and 376 of the Public Utilities Code.

